

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LYNNOTT ROGERS,

Plaintiff,

v.

Case No. 17-C-0852

DOUG BELLILE,

Defendant.

ORDER ADOPTING RECOMMENDATION AND DISMISSING PETITION

Lynnott Rogers has filed a petition for writ of habeas corpus seeking relief from a civil commitment as a violent sex offender under Chapter 980 of the Wisconsin Statutes. His petition was screened by Magistrate Judge David Jones, who filed a Report and Recommendation that the petition be dismissed. The reason for dismissal is that the petition challenges only Rogers' underlying conviction for a sexual assault that occurred in 1997.

As explained in Magistrate Judge Jones' Report and Recommendation, a civil commitment proceeding under Chapter 980 does not resurrect a defendant's right to seek federal relief from the underlying convictions pursuant to 28 U.S.C. § 2254. Rogers has filed an objection, but the objection is only that the court has not addressed the merits of his challenge to the underlying conviction. But that is the point Magistrate Judge Jones addresses. Rogers is not entitled to challenge a twenty-year-old criminal conviction simply because it serves as the predicate offense for his civil commitment.

Accordingly, the court adopts the Report and Recommendation of the magistrate judge and orders the petition dismissed. A Certificate of Appealability is denied for the reasons recommended and the Clerk is directed to enter Judgment forthwith.

SO ORDERED this 7th day of September, 2017.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court